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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,192	12/07/2000	William Palmer Lord	US 000374	9481

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

BUGG, GEORGE A

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/732,192	Applicant(s) LORD ET AL.	
	Examiner George A Bugg	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 07/07/04 have been fully considered but they are not persuasive. The Examiner maintains his rejection explanation follows.
2. Applicant argues that the Lee reference does not teach a television set comprising an activity detector. The Examiner must disagree. The newly amended claim, requires the activity detector to be coupled to the television set, or consumer electronic appliance, the Lee reference states, in Column 3, lines 36-51, that the system is capable of detecting motion, which is synonymous with monitoring the activity of an object. Furthermore, the motion sensor, or activity detector is part of the video camera, which is coupled to the television set, or consumer electronic appliance.
3. With respect to Applicant arguments pertaining to a predetermined threshold of activity time, it is the contention of the Examiner, that the disclosure of column 4, lines 2-8, is sufficient enough to reject this limitation. The comparison of old and new images, to determine an activity threshold, takes place over time, and therefore if significant changes occur between an old image and a new image, time is inherently a factor in that comparison. Therefore, a threshold of activity time, wherein a certain level of motion, takes place in a specified time is taught by the invention of Lee.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9, 10, 12-17 and 20 are rejected under 35 U.S.C. 102(B) as being anticipated by US Patent No. 5,151,945 to Lee et al.

3. As for claims 1 and 12, Applicant claims **"A system for monitoring the activity of an object at a remote location, the system comprising: a consumer electronic appliance comprising a first input for receiving data indicative of a program and a second input for receiving data indicative of the activity of an object, and an activity detector, coupled to the second input, that measures the activity of the object in the object data".** *The added limitation is merely that of claim 3 added to claim 1.* Column 1, lines 17-18 disclose that the use of video cameras at remote locations for surveillance by video monitors is well known. In addition, Column 3, lines 11-14, disclose a surveillance system. Lines 36-51, disclose that the system is capable of detecting motion, or the activity of an object, and that the system is programmable to display the video camera image on a television set, or consumer electronic appliance.

Column 4, lines 2-8 disclose comparing an old image to a new image, and when a sufficient difference exists, or predetermined activity threshold is met, an alarm device is activated. Applicant further claims “**an activity sensor to be placed at a remote location, the activity sensor for sensing the activity of the object and transmitting data indicative of the activity to the second input of the consumer electronic appliance**”. As previously pointed out video cameras at remote locations are well known. Lee also discloses in Column 3, lines 36-40 that motion can be detected, therefore the remote placement of a video camera with motion sensor, or activity sensor is disclosed. Moreover, Column 3, lines 36-51, disclose that the system is programmable to display the video camera image on a television set, or consumer electronic appliance. Lastly, Applicant claims “**the consumer electronic appliance being operative in a first mode to enable a user to continuously monitor the activity of the object.**” The Lee reference discloses (Column 1, lines 17-27) that continuous monitoring is well known in the art of surveillance.

4. As for claims 2 and 13, Lee discloses (Column 3, lines 48-51) that motion detection can be viewed on a television set as a picture-within-a-picture. A picture-in-picture is not a constant video image, that is to say it is a selected or preprogrammed image, which is only viewable for a predetermined amount of time, and therefore is considered to be a momentary observation of object activity.

5. With respect to claims 3, 4, 14, and 15, Column 3, lines 44-58, disclose several scenarios in which motion or object activity are detected, and the changing scene is automatically displayed on a monitor or television set.

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6. With respect to claims 5 and 16, as previously stated, column 3, lines 31-40 disclose a video camera, shown in Figure 1A as element 11, and that motion can be detected, which is an inherent teaching of an activity sensor, or motion detector, coupled to a video camera. Furthermore, Column 3, lines 48-55, teach the use of a consumer electronic appliance with a video display device, in the form of a television set.

7. As for claims 6 and 17, as shown above the system of Lee incorporates a television receiver.

8. As for claims 9 and 20, Lee teaches (Column 3, lines 55-58) that the object of activity may be an infant.

9. Claim 10 is a combination of claims 1 and 3. Column 1, lines 17-18 disclose that the use of video cameras at remote locations for surveillance by video monitors is well known. In addition, Column 3, lines 11-14, disclose a surveillance system. Lines 36-51, disclose that the system is capable of detecting motion, or the activity of an object, and that the system is programmable to display the video camera image on a television set, or consumer electronic appliance. Column 3, lines 44-58, disclose several scenarios in which motion or object activity are detected, and the changing scene is automatically displayed on a monitor or television set. Moreover, column 4, lines 2-8 disclose comparing an old image to a new image, and when a sufficient difference exists, or predetermined activity threshold is met, an alarm device is activated.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7, 8, 11, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,151,945 to Lee et al.

12. With regard to claims 7 and 18, video cameras are often equipped with microphones, or audio pickup devices, as are television sets equipped with audio reproduction devices, such as speakers. (Official Notice)

13. With regard to claims 8 and 19, television sets inherently contain stereophonic sound systems, and video cameras are equipped with microphones. (Official Notice)

14. With respect to claim 11, it has been shown above that the system of Lee contains, a television set which contains an audio reproduction system, for receiving audio data, as well as processing information, that video cameras are well known in the art and utilize microphones as audio pick up devices, and since it is coupled to the video camera, it is in fact in a remote location. Moreover, detecting changes in audio of an active object, and automatically reproducing the audio, if above a threshold amount, on a sound reproduction system is an obvious embodiment of a baby monitoring system.

Applicant has added a limitation, requiring the sound reproduction system to be reconfigurable. According to Applicant, reconfigurable, simply means updateable.

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Although Lee may not specifically disclose audio monitoring it would have been obvious to one of ordinary skill in the art to incorporate audio monitoring as well as, ***reconfigurable architecture***, and video monitoring into the system of Lee, especially since Lee states that his invention can be used as a baby monitor, for the purpose of alerting a caregiver to a crying baby, or an infant in distress. In addition an upgradeable system would be advantageous.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George A Bugg whose telephone number is (703) 305-2329. The examiner can normally be reached on Monday-Thursday 7:30 - 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George A Bugg
Examiner
Art Unit 2613

GAB

March 29, 2004


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2600